

BILL NO. S-79-09-

25

SPECIAL ORDINANCE NO. S-

183-79

AN ORDINANCE approving an Agreement with
A. D. Delagrang Construction, Inc., for
construction of a sanitary sewer.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the Agreement dated September 10, 1979, between the
City of Fort Wayne, by and through its Mayor and the Board of Public Works
and A. D. Delagrang Construction, Inc., Developer, for:

SANITARY SEWER

Orchard Woods, Section B

MARKWOOD-TANGERINE LANE

Beginning at an existing manhole located at the northeast
corner of Springbrook Road and Markwood Road; thence
northerly along the east side of Markwood Road a distance
of 315+ feet to a proposed manhole; thence westerly in and
along Tangerine Lane 165+ feet to a proposed manhole; thence
northerly in and along the east side of Tangerine Lane
385+ feet, terminating at a proposed manhole located at the
southwest corner of Lot 87, Orchard Woods, Section B.

LATERAL "A"

Beginning at Manhole #1 located on the aforescribed sewer
on the north side of Apricot Court and in the southwest
corner of Lot 80 in Orchard Woods, Section B; thence
easterly along the north side of Apricot Court a distance of
245+ feet, terminating at a proposed clean-out at the south-
west corner of Lot 76 in Orchard Woods, Section B.

LATERAL "B"

Beginning at a proposed manhole on the aforescribed Lateral
"A" located at the southeast corner of Lot 79 in Orchard
Woods, Section B; thence north in and along a proposed ease-
ment between Lots 78 and 79, a distance of 150+ feet, terminat-
ing at a proposed clean-out located at the northeast corner
of said Lot 79.

LATERAL "C"

Beginning at manhole #2 located on the aforescribed
Tangerine Lane sewer located on the east side of Tangerine
Lane; thence westerly in and along an easement between lots
67 and 68 and the westerly extension thereof across Lot 6,
Clearview Addition a distance of 400+ feet to a proposed
manhole; thence northwesterly in and along a proposed easement
across a portion of Lot 5 in Clearview Addition a distance of
180+ feet terminating at a proposed manhole.

Said sewer shall be eight (8) inches in diameter.

1 of which the developer shall pay the entire cost and expense of the construc-
2 tion of said sewer, all as more particularly set forth in said agreement
3 which is on file in the Office of the Board of Public Works and is by
4 reference incorporated herein, made a part hereof and is hereby in all things
5 ratified, confirmed and approved.

6 SECTION 2. That this Ordinance shall be in full force and effect
7 from and after its passage and approval by the Mayor.

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11 Councilman

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32 APPROVED AS TO
FORM & LEGALITY


.....
William N. Scalin, City Attorney

Read the first time in full and on motion by Burns, seconded by

V. Delmuth, and duly adopted, read the second time by title and referred to the Committee on City Statistics (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____ at _____ o'clock _____ M., E.S.T.

DATE: 9-25-79

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns,

seconded by V. Delmuth, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 10-9-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 183-79 on the 9th day of October, 1979

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winifred C. Moore Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th

day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 17 day of October, 1979

at the hour of 10 o'clock _____ M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-79-09-25

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving an Agreement with A. D. Delagrangre Constrcution, Inc., for
construction of a sanitary sewer

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance ad PASS.

PAUL M. BURNS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

DONALD J. SCHMIDT

JAMES S. STIER

Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt

James S. Stier

10-9-79
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

August 31, 1979

The Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

The Board of Works is entering into an Agreement for Sewer Extension for Orchard Woods, Sec. B Addition.

Developer is anxious to install sanitary sewers to serve the 8.34 acres of single-family residences to be constructed herein.

Therefore, Board of Works respectfully requests a "Prior Approval" so that construction will not be delayed any further due to oncoming inclement weather.

Special Ordinance for formal approval will be submitted in the very near future.

Sincerely,

BOARD OF PUBLIC WORKS

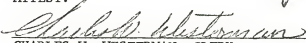

HENRY P. WEHRENBURG, CHAIRMAN

CITY OF FORT WAYNE


ROBERT E. ARMSTRONG, MAYOR

ep
APPROVED:

ATTEST:


CHARLES W. WESTERMAN, CLERK


MEMBERS OF THE COMMON COUNCIL

Memorandum



To BOARD OF PUBLIC WORKS

Date 8/30/79

From PHILIP R. BOLLER

Subject ORCHARD WOODS SECTION "B" SANITARY SEWER EXTENSION AGREEMENT

COPIES TO:

Attached for your review and execution is the necessary instrument in order to provide sanitary facilities for the above addition. Please note the area lies outside the City limits and must be forwarded to the Council for approval. The developer has expressed a desire to have prior approval in order to expedite this project prior to inclement weather.

If there are any questions, please feel free to contact Charles Wickensheimer or the undersigned.

Philip R. Boller, P.E.
Chief Water Pollution Control Engineer

PRB/CW/ds

Condel
9/25/79

68-52-29 H.I.
9/10/79

100-52-21 9/10/79 H.I.

AGREEMENT
SEWER EXTENSION

THIS AGREEMENT, made in triplicate this 10th day of Sept, 1979, by and between A. D. DELAGRANGE CONSTRUCTION, INC., 3320 Shoaff Park River Drive, Fort Wayne, Indiana, hereinafter referred to as the "Developer", and the CITY OF FORT WAYNE, INDIANA, an Indiana Municipal Corporation, by its Board of Public Works and Mayor, hereinafter referred to as "City", WITNESSETH:

WHEREAS, the Developer is developing 8.34 acres into single-family housing, commonly referred to as Orchard Woods, Section B, and

WHEREAS, the Developer is desirous of extending City sanitary sewers to serve said Development, and

WHEREAS, the Developer has had detailed engineering plans and specifications prepared for the extension of City sanitary sewers to serve said Orchard Woods, Section B, and

WHEREAS, said plans have been reviewed and approved by the City, and

WHEREAS, the Developer is now ready to construct the sewers commonly known as "Orchard Woods, Section B, Sanitary Sewers", hereinafter referred to as "Sewer", and is described as follows:

MARKWOOD-TANGERINE LANE

Beginning at an existing manhole located at the northeast corner of Springbrook Road and Markwood Road; thence northerly along the east side of Markwood Road a distance of 315± feet to a proposed manhole; thence westerly in and along Tangerine Lane 165± feet to a proposed manhole; thence northerly in and along the east side of Tangerine Lane 385± feet, terminating at a proposed manhole located at the southwest corner of Lot 87, Orchard Woods, Section B.

LATERAL "A"

Beginning at Manhole #1 located on the aforescribed sewer on the north side of Apricot Court and in the southwest corner of Lot 80 in Orchard Woods, Section B; thence easterly along the north side of Apricot Court a distance of 245± feet, terminating at a proposed clean-out at the southwest corner of Lot 76 in Orchard Woods, Section B.

LATERAL "B"

Beginning at a proposed manhole on the aforescribed Lateral "A" located at the southeast corner of Lot 79 in Orchard Woods, Section B; thence north in and along a proposed easement between Lots 78 and 79, a distance of 150± feet, terminating at a proposed clean-out located at the northeast corner of said Lot 79.

LATERAL "C"

Beginning at manhole #2 located on the aforescribed Tangerine Lane sewer located on the east side of Tangerine Lane; thence westerly in and along an easement between lots 67 and 68 and the westerly extension thereof across Lot 6, Clearview Addition a distance of 400± feet to a proposed manhole; thence northwesterly in and along a proposed easement across a portion of Lot 5 in Clearview Addition a distance of 180± feet terminating at a proposed manhole.

Said sewer shall be eight (8) inches in diameter.

Said Sewer to be constructed in accordance with the plans, specifications and profiles as prepared by Ronald L. Bonar & Associates, Inc., and approved by the Water Pollution Control Engineering Department, and on file at this time in the Office of the Board of Public Works. Said project, commonly known as

Orchard Woods, Section B. Said plans, specifications and profiles are by reference incorporated herein and made a part hereof.

WHEREAS, the cost of construction of the said Sewer is represented to be \$25,300.00, which is composed of \$24,000.00 construction cost; \$800.00 engineering cost; \$500.00 inspection cost.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. CONSTRUCTION OF SEWER

The Developer shall cause said Sewer to be constructed and located in accordance with said plans, specifications and profiles on file with the City. All work and materials shall be subject to inspection by the City and right of City to halt construction if there shall be non-compliance therewith. Said Sewer shall not be deemed permanently connected into the sewer system of the City until final acceptance by City. Notwithstanding the above, the Developer may place in service a portion of the project before the entire project is completed, providing said portion is completed in accordance with said plans and specifications. Upon completion, said Sewer shall become the property of City, and City shall accept sewage therefrom, subject to such sewage service charges as may now or hereafter be regularly established by City, and all further maintenance thereafter shall be borne by City.

2. COST OF CONSTRUCTION

The Developer agrees to pay the entire cost and expense of construction of said Sewer and to hold the City harmless from any liability for claims connected therewith.

3. AREA OF DEVELOPER

Said Sewer will serve the area of the Developer which consists of 8.34 acres located in Section 13, Township 31 North, Range 12 East, and is bounded generally on the north by Cook Road, on the south by Orchard Woods, Section A, described in detail on the plat of Orchard Woods, Section A, which is attached hereto and made a part hereof and marked Exhibit "A". Said Sewer shall also serve Lots 3,4,5, and 6 in Clearview Addition.

4. AREA CONNECTION FEES

All future users of said Sewer, whether by direct tap or connection to a lateral or extension thereof, shall pay to the City of Fort Wayne, the St. Joe Interceptor Area Connection Fee of \$475.00 per acre, as set forth in Document #74-22909 recorded on October 1, 1974. The amounts so collected

shall be retained by the City for expansions and improvements as set forth in the aforescribed Resolution and deposited with the Fort Wayne Water Pollution Control Utility. The Area Connection Fees will be due as the areas are platted or as connected, and shall be paid for by Developer or property owner, prior to connection.

5. LIMITATION ON USE

Said Sewer shall be constructed for disposal of sanitary sewage only and neither the parties hereto, their successors or assigns, or any future owner of any land serviced by said Sewer, shall at any time discharge or permit to be discharged or to flow into said sanitary sewer, any water runoff caused by natural precipitation or anything other than sanitary sewage or contaminated waste.

6. COUNCILMANIC APPROVAL

It is understood and agreed that this Contract is in all respects subject to approval by the Common Council of City, by duly adopted Ordinance, and if such Ordinance is not adopted within a period of ninety (90) days after execution thereof, this Contract shall be null and void and of no further force and effect.

7. WAIVER OF RIGHT TO REMONSTRATE AGAINST ANNEXATION

The Developer, for himself, his successors in title and assigns, waives and releases any and all rights which it may now or hereafter have to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by City of any territory now or hereafter owned by him as described in Article 3 herein, or hereafter served by said Sewer or any extension thereof.

In further consideration and to induce City to execute and ratify this Contract, said Developer, for himself, his successors and assigns, agrees by this Contract to vest in City the permanent right at its direction to annex to the City of Fort Wayne at any future time by duly authorized Ordinance, the said real estate noted in Article 3 herein.

Developer further agrees that any deeds, contracts, or other instruments of conveyance made by the Developer, its successors or assigns, transferring or conveying any interest or title in and to any of the real estate described in Article 3 herein, shall contain the waiver and release provisions contained in this Article, which provisions shall run with the land and the acceptance of the delivery of any such instrument from the Developer, his successors and assigns, by any grantee, vendee,

or contract purchaser and their successors in title.

The Developer further agrees to record an executed copy of this Contract in the Allen County Recorder's Office within ten (10) days of its adoption and approval by the Common Council of the City as hereinafter provided.

Any owner or owners of land which is now or hereafter located outside the Corporate Limits of City, who connect into the Sewer constructed hereunder, shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by City of such land or of the territory in which it is located, or of the area served by said Sewer.

IN WITNESS WHEREOF, the parties have subscribed to this Agreement the day and year first above written.

DEVELOPER:
A. D. DELAGRANGE CONSTRUCTION, INC.

BY Amos D. Delagrang
Amos D. Delagrang, President
BY _____

CITY OF FORT WAYNE
BY Robert E. Armstrong
Robert E. Armstrong, Mayor

BOARD OF PUBLIC WORKS
BY Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman
Ethel H. LaMar
Ethel H. LaMar

Max G. Scott

ATTEST:
Ursula Miller
Ursula Miller, Clerk

APPROVED AS TO FORM AND LEGALITY:
James J. Bonar
Associate City Attorney

THIS INSTRUMENT PREPARED BY RONALD L. BONAR & ASSOCIATES, INC.

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared A. D. DELAGRANGE CONSTRUCTION, INC., by Amos D. Delagrang, President and _____, who acknowledged the execution of the foregoing Agreement for Sewer Extension, as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal, this 2nd day of August, 1979.

Karolyn B. Neale, Notary Public
who resides in Allen County Indiana
Commission expires Sept. 30, 1980.

Karolyn B. Neale
Notary Public

Karolyn B. Neale, Notary Public
who resides in Allen County Indiana
Commission expires Sept. 30, 1980.

My Commission Expires:

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Robert E. Armstrong, Mayor; Henry P. Mehrenberg, Chairman of the Board of Public Works; and Ethel H. LaMar and Max G. Scott, members of the Board of Public Works; and Ursula Miller, Clerk of the Board of Public Works, who acknowledged the execution of the foregoing Agreement for Sewer Extension, as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal, this 10th day of September, 1979.

Anne J. Zerk
Notary Public

Resident of Allen County, Ind.

My Commission Expires:

3/6/80

ORCHARD WOODS SECTION "B"

REPLAT OF LOT 5 8 PARTS OF LOTS 3 & 4 IN THE
CLEARVIEW ADDITION PER PLAT BOOK 16, PAGE 156.

LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 13, Township 31 North, Range 12 East
in Allen County, Indiana; more particularly described, to wit:

Commencing at the Northwest corner of the Northeast Quarter of Section 13, Township 31 North, Range 12 East, being a point on the centerline of Cook Road right-of-way, thence North 87 degrees, 54 minutes, 02 seconds East along the centerline of Cook Road right-of-way, said centerline also being the North Line of the Northeast Quarter of Section 13, a distance of 735.0 feet to the intersection point of the centerline of Cook Road right-of-way and extended West Line of Lot #5 in Clearview Addition, Plat Book 16, Page 156; thence South 02 degrees, 06 minutes, 32 seconds East, 40.0 feet to the Point of Beginning, being a pin found on the south right-of-way of Cook Road, also being southerly 15 feet from the Northwest corner of Lot #5 in Clearview Addition; thence North 87 degrees, 54 minutes, 02 seconds East, 300.06 feet along the South right-of-way of Cook Road to a pin found, being 55.06 feet easterly of the Northeast corner of Lot #5 in Clearview Addition; thence South 02 degrees, 05 minutes, 26 seconds East, 341.34 feet to a pin set; thence North 87 degrees, 40 minutes, 35 seconds East 453' to a point on the East Line of Lot #3 in Clearview Addition; thence South 02 degrees, 05 minutes, 26 seconds East, 355.0 feet to a pin set, being the southeast corner of Lot #2 in Clearview Addition, also being on the north boundary of Orchard Woods, Section A, recorded in Plat Book 40, Page 62; thence South 87 degrees, 40 minutes, 35 seconds West, 734.54 feet along the north boundary of Orchard Woods, Section A, to a pipe found being the southwest corner of Lot #5 in Clearview Addition; thence North 02 degrees, 06 minutes, 32 seconds West, 697.51 feet along the West Line of Lot #5 in Clearview Addition to the Point of Beginning, containing 8.34 acres, more or less, and subject to all rights-of-way and easements of record.

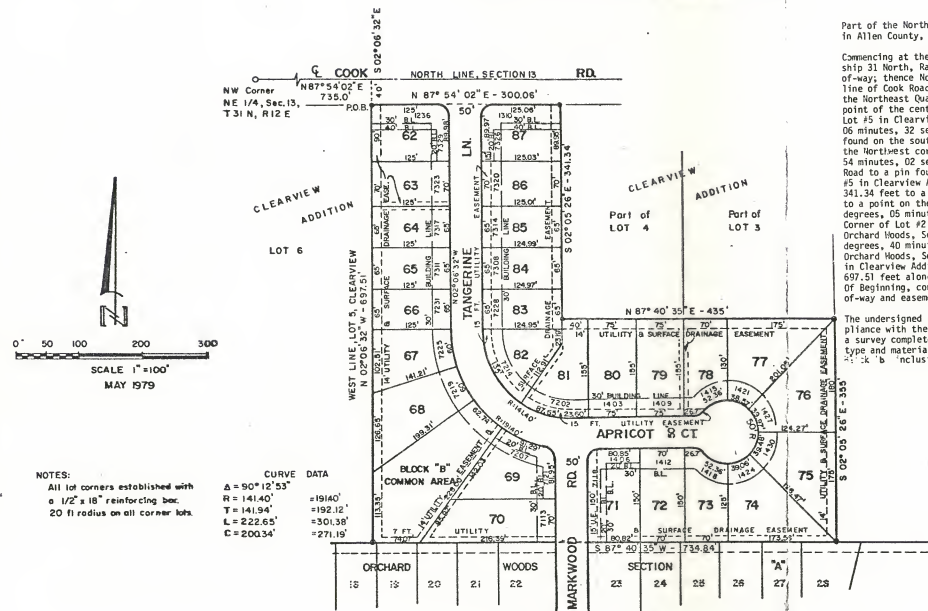
The undersigned hereby certifies that he is a Land Surveyor licensed in compliance with the laws of the State of Indiana and this Plat correctly represents a survey completed by the undersigned on May 15, 1979, that all markers type and material are accurately shown. Lots are numbered 62 through 87 and "k" b inclusive.



RECEIVED

AUG 21 1979

Water Pollution Control Engr. Dept.
City-County Building, One Main St.
Fort Wayne, Indiana 46802



NOTES:

All lot corners established with
a 1/2" x 18" reinforcing bar.
20 ft radius on all corner lots.

CURVE DATA

A = 90°12'53"
R = 141.40' = 191.60'
T = 141.94' = 192.12'
L = 222.65' = 301.36'
C = 200.34' = 271.16'

BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Ethel H. LaMar
Max G. Scott

BOARD OF COMMISSIONERS

Jack K. Dunifon
Richard M. Regendence
Richard M. Ellenwood

ALLEN COUNTY SURVEYOR

William L. Sweet

HEALTH COMMISSIONERS

Dr. Jane M. Irmischer

ZONING ADMINISTRATOR

Jack G. Suter

COUNTY PLAN COMMISSION

Lester C. Gerig
Lester Smith
Edward L. Neuffer

DEVELOPER

A.D. Delagrange Construction Company
1409 Lincoln Highway East
New Haven, Indiana

ENGINEER

Ronald L. Bonar & Assoc., Inc.
Suite 430 Utility Building
116 East Wayne Street
Fort Wayne, Indiana

4636

TITLE OF ORDINANCE SPECIAL ORDINANCE - SANITARY SEWER EXT. AGREE. FOR ORCHARD WOODS, SEC. "B"

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-77-09-25

SYNOPSIS OF ORDINANCE SANITARY SEWER EXTENSION AGREEMENT FOR ORCHARD WOODS, SEC. "B"

WITH A. D. DELAGRANGE CONSTRUCTION, INC., DEVELOPER FOR THE PROJECT, WHICH INVOLVES INSTALLING
SANITARY SEWER TO SERVE NEW HOMES UNDER CONSTRUCTION IN THE ABOVE-DESCRIBED ADDITION.

(AGREEMENT ATTACHED)

PRIOR APPROVAL ACQUIRED, A COPY OF WHICH IS ATTACHED HERETO)

EFFECT OF PASSAGE CONSTRUCTION OF SANITARY SEWER LINE TO SERVE NEW HOMES UNDER CONSTRUCTION

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) DEVELOPER TO PAY ENTIRE COST AND EXPENSE

ASSIGNED TO COMMITTEE